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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,068	10/15/2001	Itzhak Sapir	60/241,239	5666

7590 11/04/2004
Itzhak Sapir
27, Foxhill St.
Irvine, CA 92604

EXAMINER

LE, VU

ART UNIT PAPER NUMBER

2613

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,068

Applicant(s)

SAPIR, ITZHAK

Examiner

Vu Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 1, 6 and 10 are objected to because of the following informalities:

37 CFR 1.75 and MPEP § 608.01(m): Form of Claims

While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim," "The invention claimed is" (or the equivalent). If, at the time of allowance, the quoted terminology is not present, it is inserted by the Office of Patent Publication. Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See Fressola v. Manbeck, 36 USPQ2d 1211

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(D.D.C. 1995). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

Appropriate correction is required.

3. Claims 3 and 4 are cited for example only, applicant is responsible to check all claims for similar problem. The phrase "there is" is not recommended since any dependent claim should be further limiting. Thus, it is recommended that the phrase "there is" be replaced with "further comprising" or the like.

4. Claim 5 is cited for example only, applicant is responsible to check all claims for similar problem. The word "uses" should be deleted to imply that said communication system can also be a commercial network, the internet, or the like.

5. Claim 14 is cited for example only, applicant is responsible to check all claims for similar problem. The phrase "digital, analog" is incomplete. Does applicant imply digital, analog internet? Clarification is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A claim which simultaneously claims both statutory classes (an apparatus and a method) is indefinite. Ex Parte Lyell 17 USPQ 2d 1548 (Board of Patent Appeals and

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Interference 1990). In the instant case, independent claims 1, 6 and 10 simultaneously claim both statutory classes.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-14 are rejected under 35 U.S.C. 102(a)/(e) as being clearly anticipated by Khosla, US 6,080,063.

Re claim 1, Khosla discloses a system for capture and reproduction of real life events (fig. 1, "Summary") comprising:

a sensing platform with one or more sensors (100);

at least one reproduction platform with means for reproducing an action or actions captured by the sensing platform (140,142,144);

and a communication system for transferring the data from said sensing platform to said reproduction platform (130);

said sensing platform (100) actively participates in the event of interest by having a bi-directional interaction between the event and said sensing platform (col. 3, lines 52-58);

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said reproduction platform (140,142,144) is positioned in a place where the event reproduction is wanted (col. 3, lines 52-58);

said communication system (130) transfers the data captured by said sensing platform to said reproduction platform (col. 4, lines 54-67).

Re claim 2, a system according to claim 1 and wherein at least one of the sensors in said sensing platform is one of the following: a camera, a 3-D camera, a sound pickup device, a motion sensor, an acceleration sensor, a smell pickup device, a touch sensor (col. 3, line 59 – col. 4, line 32).

Re claim 3, a system according to claim 1 and wherein there is a buffer or data storage device (120) in the data stream path to allow for a delay between the time the data is captured in said sensing platform and the time it is being used for reproduction of the event in said reproduction platform (col. 4, lines 33-53).

Re claim 4, a system according to claim 1 and wherein there is a bi-directional data transfer between said sensing platform and said reproduction platform and wherein control commands and actions, captured in said reproduction platform are transferred to said sensing platform to control or change one or more of said sensing platform's actions (130, also col. 6, lines 13-33, in this segment, interactions implies bi-directional data transfer via network 130).

Re claim 5, a system according to claim 1 and wherein said communication system is one of the following: wired, wireless, directly connects said sensing platform to said reproduction platform, uses commercial and other available network systems, uses the internet (col. 4, lines 33-53).

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Claims 6 & 10 have been analyzed and rejected w/r to claims 1-5 above.

Claims 7 & 12 have been analyzed and rejected w/r to claim 3 above.

Claims 8 & 13 have been analyzed and rejected w/r to claim 4 above.

Claims 9 & 14 have been analyzed and rejected w/r to claim 5 above.

Re claim 11, a system according to claim 10 and wherein at least one of the reproduction means in said reproduction platform is one of the following: a display, a personal display device, a loudspeaker, headphones (fig. 3, col. 5, line 1 – col. 6, line 12).

Contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is 703-308-6613. The examiner can normally be reached on M-F 8:30-6:00.

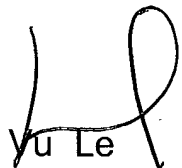
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Vu Le', with a large loop at the end.

Primary Examiner

AU 2613

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